

EX PARTE OR LATE FILED

December 14, 2004

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

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Federal Communications Commission  
Office of Secretary

Re: WT Docket No. 02-55  
Notice of Ex Parte Presentation

Dear Ms. Dortch:

Motient Corporation ("Motient"), by its attorneys, hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's rules, of a meeting held on December 13, 2004 with Michael Wilhelm, Nicole McGinnis and D'Wana Terry of the Wireless Telecommunications Bureau. Motient was represented by Dennis Matheson, Senior Vice President and Chief Technology Officer, Henry Rivera of Vinson & Elkins and the undersigned. During this meeting, Motient reviewed with Mr. Wilhelm, Ms. McGinnis and Ms. Terry the impact the proposed Consensus Plan will have on its business. Attached is the presentation made to Mr. Wilhelm, Ms. McGinnis and Ms. Terry.

An original and one copy of this notice are being submitted to the Secretary's Office. A copy of this letter will be provided to Mr. Wilhelm, Ms. McGinnis and Ms. Terry.


Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

  
Robert A. Mazer  
Counsel for Motient Corporation

Enclosure

cc: Nicole McGinnis  
D'Wana Terry  
Michael Wilhelm

  
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# **A Presentation Regarding Motient's Proposal to Relocate to the Guardband Spectrum at 861-862 MHz**



# Background on Motient

Vinson & Elkins

- Located in Illinois
- Operates nationwide wireless network in 800 MHz band
- Operates pursuant to numerous site specific licenses issued by the FCC throughout the U.S. in the lower part of the 800 MHz band
- Services it provides include e-mail, data, telemetry, field service and other mobile wireless products
- Currently serving 150,000 subscribers
- Motient competes with numerous large nationwide wireless service providers

# The Re-banding Proceeding

Vinson & Elkins

- Under existing spectrum allotments, commercial and public safety services share 800 MHz band.
- This shared use of the band presents challenges for the two different services, which have different requirements. In particular, public safety services have a greater need for reliability and, therefore, cannot accept interference from adjacent commercial services.
- The re-banding plan attempts to resolve this incongruous use by placing most of the commercial wireless providers in the upper part of the 800 MHz band while the public safety users remain in the lower part of the 800 MHz band.
- Under the existing proposal, Motient is the only commercial, nationwide wireless operator to remain in the lower part of the band sharing with public safety users.

# Impact on Motient

Vinson&Elkins

- Continued sharing with public safety limits Motient's ability to upgrade and modernize its network
- Restricts Motient's ability to aggregate spectrum, deploy frequency agile and/or digital transmitters, buy and sell spectrum, relocate transmit sites, utilize other similar networks
- Puts Motient at a competitive disadvantage vis-à-vis other operators that are allowed to migrate to the upper part of the 800 MHz band

# The Motient Proposal

Vinson & Elkins

- Motient would migrate to the guardband spectrum at 861-862 MHz in markets where spectrum is available
- Expenses would be handled in the same manner as the relocation of other non-Nextel entities
- Motient does not object if the costs to Nextel are capped at their current level in the plan
- In summary, Nextel would not have to pay any more money than it is currently committed to paying under the plan now being considered by the FCC in order to relocate Motient to the 861-862 guardband.

# Public Interests Considerations

Amendments

- Removes ambiguity in R&O
- Provides Motient fair and equal treatment
- Relief can be obtained without affecting other licensees
- Protects public safety services from interference

# What Motient Requires

Vinson & Elkins

- Adoption of Motient's proposal to be relocated to the guardband spectrum at 861-862 MHz with expenses being handled in the same manner as the relocation of other non-Nextel entities